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Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

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Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of his Office[1] and the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its sixty-third session[2] and the decisions contained therein,

Recalling its previous annual resolutions on the work of the Office of the United Nations High Commissioner for Refugees since its establishment by the General Assembly,

Expressing its appreciation for the leadership shown by the High Commissioner,

Commending the staff and implementing partners of the Office of the High Commissioner for the competent, courageous and dedicated manner in which they discharge their responsibilities,

Underlining its strong condemnation of all forms of violence to which humanitarian personnel and United Nations and associated personnel are increasingly exposed,

1. *Welcomes* the important work undertaken by the Office of the United Nations High Commissioner for Refugees and its Executive Committee in the

[1] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 12* (A/67/12).
[2] Ibid., *Supplement No. 12A* (A/67/12/Add.1).

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course of the year, which is aimed at strengthening the international protection regime and at assisting Governments in meeting their protection responsibilities;

2. *Endorses* the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its sixty-third session;[2]

3. *Acknowledges* the sixtieth anniversary of the 1951 Convention relating to the Status of Refugees[3] and the fiftieth anniversary of the 1961 Convention on the Reduction of Statelessness[4] in 2011, expresses appreciation for the convening and facilitation by the United Nations High Commissioner for Refugees of an intergovernmental ministerial event[5] in recognition of the importance of respecting and upholding the values and principles enshrined in those two instruments, and welcomes the adoption at that meeting of a ministerial communiqué, as well as the submission of pledges by one hundred five States and three international organizations;

4. *Reaffirms* the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto[6] as the foundation of the international refugee protection regime, recognizes the importance of their full and effective application by States parties and the values they embody, notes with satisfaction the number of States that are now parties to one or both instruments, encourages States not parties to consider acceding to those instruments, underlines, in particular, the importance of full respect for the principle of non-refoulement, and recognizes that a number of States not parties to the international refugee instruments have shown a generous approach to hosting refugees;

5. *Welcomes* pledges by States to accede to the "Statelessness Conventions", the 1954 Convention relating to the Status of Stateless Persons[7] and the 1961 Convention on the Reduction of Statelessness, as well as pledges to remove reservations to them, also welcomes the recent increase in the number of accessions to the two Conventions, notes th work of the High Commissioner in regard to identifying stateless persons, preventing and reducing statelessness and protecting stateless persons, and urges the Office of the High Commissioner to continue to work in this area in accordance with relevant General Assembly resolutions and Executive Committee conclusions;

6. *Re-emphasizes* that the protection of refugees is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable the Office of the High Commissioner to fulfil its mandated functions, and strongly emphasizes, in this context, the importance of active international solidarity and burden- and responsibility-sharing;

7. *Also re-emphasizes* that prevention and reduction of statelessness are primarily the responsibility of States, in appropriate cooperation with the international community;

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[3] United Nations, *Treaty Series*, vol. 189, No. 2545.

[4] Ibid., vol. 989, No. 14458.

[5] Intergovernmental event at the ministerial level of States Members of the United Nations on the occasion of the sixtieth anniversary of the 1951 Convention relating to the Status of Refugees and the fiftieth anniversary of the 1961 Convention on the Reduction of Statelessness.

[6] Ibid., vol. 606, No. 8791.

[7] Ibid., vol. 360, No. 5158.

8. *Further re-emphasizes* that protection of and assistance to internally displaced persons are primarily the responsibility of States, in appropriate cooperation with the international community;

9. *Encourages* the Office of the High Commissioner to continue responding adequately, in cooperation with States, to emergencies, and to pursue its efforts to strengthen its emergency capacity and thereby ensure a more predictable response to coordinated inter-agency efforts;

10. *Takes note* of the current activities of the Office of the High Commissioner related to protection of and assistance to internally displaced persons, including in the context of inter-agency arrangements in this field, emphasizes that such activities should be consistent with relevant General Assembly resolutions and should not undermine the refugee mandate of the Office and the institution of asylum, and encourages the High Commissioner to continue his dialogue with States on the role of his Office in this regard;

11. *Encourages* the Office of the High Commissioner to work in partnership and in full cooperation with relevant national authorities, United Nations offices and agencies, international and intergovernmental organizations, regional organizations and non-governmental organizations to contribute to the continued development of humanitarian response capacities at all levels, and recalls the role of the Office as the leading entity of the cluster for protection, camp coordination and management and emergency shelter in complex emergencies;

12. *Also encourages* the Office of the High Commissioner, among other relevant United Nations and other relevant intergovernmental organizations and humanitarian and development actors, to continue to work with the Office for the Coordination of Humanitarian Affairs of the Secretariat to enhance the coordination, effectiveness and efficiency of humanitarian response and to contribute, in consultation with States, as appropriate, to making further progress towards common humanitarian needs assessments, as stated, among other important issues, in General Assembly resolution 66/119 of 15 December 2011 on the strengthening of the coordination of emergency humanitarian assistance of the United Nations;

13. *Further encourages* the Office of the High Commissioner to engage in and implement in full the objectives of the "Delivering as one" initiative;

14. *Notes with appreciation* the progress made in the process of structural and management change to reinforce the capacity of the Office of the High Commissioner, and encourages the Office to focus on continuous improvement in order to enable a more efficient response to the needs of beneficiaries and to ensure the effective and transparent use of its resources;

15. *Strongly condemns* attacks on refugees, asylum seekers and internally displaced persons as well as acts that pose a threat to their personal security and well-being, and calls upon all States concerned and, where applicable, parties involved in an armed conflict to take all measures necessary to ensure respect for human rights and international humanitarian law;

16. *Expresses deep concern* about the increasing number of attacks against humanitarian aid workers and convoys and, in particular, the loss of life of humanitarian personnel working in the most difficult and challenging conditions in order to assist those in need;

17. *Emphasizes* the need for States to ensure that perpetrators of attacks committed on their territory against humanitarian personnel and United Nations and associated personnel do not operate with impunity and that the perpetrators of such acts are promptly brought to justice as provided for by national laws and obligations under international law;

18. *Deplores* the refoulement and unlawful expulsion of refugees and asylum seekers, and calls upon all States concerned to ensure respect for the relevant principles of refugee protection and human rights;

19. *Notes with concern* that asylum seekers, refugees and stateless persons are subject to arbitrary detention in some situations, welcomes the increasing use of alternatives to detention, and emphasizes the need for States to limit detention of asylum seekers, refugees and stateless persons to that which is necessary;

20. *Expresses concern* at the large number of asylum seekers who have lost their lives at sea trying to reach safety, and encourages international cooperation to further strengthen search and rescue mechanisms;

21. *Emphasizes* that the international protection of refugees is a dynamic and action-oriented function that is at the core of the mandate of the Office of the High Commissioner and that it includes, in cooperation with States and other partners, the promotion and facilitation of the admission, reception and treatment of refugees in accordance with internationally agreed standards and the ensuring of durable, protection-oriented solutions, bearing in mind the particular needs of vulnerable groups and paying special attention to those with specific needs, and notes in this context that the delivery of international protection is a staff-intensive service that requires adequate staff with the appropriate expertise, especially at the field level;

22. *Affirms* the importance of age, gender and diversity mainstreaming in analysing protection needs and ensuring the participation of refugees and other persons of concern to the Office of the High Commissioner, as appropriate, in the planning and implementation of programmes of the Office and State policies, also affirms the importance of according priority to addressing discrimination, gender inequality and the problem of sexual and gender-based violence, recognizing the importance of addressing the protection needs of women and children in particular, and underlines the importance of continuing to work on those issues;

23. *Recognizes* that birth registration provides an official record of a child's legal identity and is crucial to preventing and reducing statelessness, and welcomes pledges by States to ensure the birth registration of all children;

24. *Strongly reaffirms* the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the High Commissioner of providing international protection to refugees and seeking permanent solutions to refugee problems, and recalls that those solutions include voluntary repatriation and, where appropriate and feasible, local integration and resettlement in a third country, while reaffirming that voluntary repatriation, supported, as necessary, by rehabilitation and development assistance to facilitate sustainable reintegration, remains the preferred solution;

25. *Expresses concern* about the particular difficulties faced by the millions of refugees in protracted situations, and emphasizes the need to redouble international efforts and cooperation to find practical and comprehensive approaches

to resolving their plight and to realize durable solutions for them, consistent with international law and relevant General Assembly resolutions;

26. *Recognizes* the importance of achieving durable solutions to refugee problems and, in particular, the need to address in this process the root causes of refugee movements in order to avert new flows of refugees;

27. *Recalls* the important role of effective partnerships and coordination in meeting the needs of refugees and in finding durable solutions to their situations, welcomes the efforts under way, in cooperation with countries hosting refugees and countries of origin, including their respective local communities, relevant United Nations agencies, international and intergovernmental organizations, regional organizations, as appropriate, non-governmental organizations and development actors, to promote a framework for durable solutions, particularly in protracted refugee situations, which includes an approach to sustainable and timely return that encompasses repatriation, reintegration, rehabilitation and reconstruction activities; and encourages States, in cooperation with relevant United Nations agencies, international and intergovernmental organizations, regional organizations, non-governmental organizations and development actors, to support, inter alia, through the allocation of funds, the implementation of such a framework to facilitate an effective transition from relief to development;

28. *Recognizes* that no solution to displacement can be durable unless it is sustainable, and therefore encourages the Office of the High Commissioner to support the sustainability of return and reintegration;

29. *Calls upon* States to create opportunities for resettlement as a durable solution, recognizes the need to increase the number of resettlement places and to improve integration of resettled refugees, calls upon States to ensure inclusive and non-discriminatory policies in their resettlement programmes, and notes that resettlement is a strategic tool for protection and solutions for refugees;

30. *Notes with appreciation* the activities undertaken by States to strengthen the regional initiatives that facilitate cooperative policies and approaches on refugees, and encourages States to continue their efforts to address, in a comprehensive manner, the needs of the people who require international protection in their respective regions, including the support provided for host communities that receive large numbers of persons who require international protection;

31. *Notes* the importance of States and the Office of the High Commissioner discussing and clarifying the role of the Office in mixed migratory flows, in order to better address protection needs in the context of mixed migratory flows, including by safeguarding access to asylum for those in need of international protection, and also notes the readiness of the High Commissioner, consistent with his mandate, to assist States in fulfilling their protection responsibilities in this regard;

32. *Emphasizes* the obligation of all States to accept the return of their nationals, calls upon States to facilitate the return of their nationals who have been determined not to be in need of international protection, and affirms the need for the return of persons to be undertaken in a safe and humane manner and with full respect for their human rights and dignity, irrespective of the status of the persons concerned;

33. *Expresses concern* about the challenges associated with climate change and environmental degradation to the operations of the Office of the High Commissioner and the assistance it provides to vulnerable populations of concern across the globe, particularly in the least developed countries, and urges the Office to continue to address such challenges in its work, within its mandate, and in consultation with national authorities and in cooperation with competent agencies in its operations;

34. *Urges* all States and relevant non-governmental and other organizations, in conjunction with the Office of the High Commissioner, in a spirit of international solidarity and burden- and responsibility-sharing, to cooperate and to mobilize resources with a view to enhancing the capacity of and reducing the heavy burden borne by host countries, whose generosity is appreciated, in particular those that have received large numbers of refugees and asylum seekers, calls upon the Office to continue to play its catalytic role in mobilizing assistance from the international community to address the root causes as well as the economic, environmental and social impact of large-scale refugee populations in developing countries, in particular the least developed countries, and countries with economies in transition, and notes with appreciation those donor States, organizations and individuals that contribute to improving the condition of refugees who remain vulnerable members of society;

35. *Expresses deep concern* about the existing and potential challenges posed by the world financial and economic crisis to the activities of the Office of the High Commissioner, and calls upon the Office to further explore ways and means to broaden its donor base, so as to achieve greater burden-sharing by reinforcing cooperation with governmental donors, non-governmental donors and the private sector;

36. *Recognizes* that adequate and timely resources are essential for the Office of the High Commissioner to continue to fulfil the mandate conferred upon it through its statute[8] and by subsequent General Assembly resolutions on refugees and other persons of concern, recalls its resolutions 58/153 of 22 December 2003, 58/270 of 23 December 2003, 59/170 of 20 December 2004, 60/129 of 16 December 2005, 61/137 of 19 December 2006, 62/124 of 18 December 2007, 63/148 of 18 December 2008, 64/127 of 18 December 2009, 65/194 of 21 December 2010 and 66/133 of 19 December 2011 concerning, inter alia, the implementation of paragraph 20 of the statute of the Office, and urges Governments and other donors to respond promptly to annual and supplementary appeals issued by the Office for requirements under its programmes;

37. *Requests* the High Commissioner to report on his annual activities to the General Assembly at its sixty-eighth session.

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[8] Resolution 428 (V), annex.